

4-6-05

PATENT COOPERATION TREATY

PCT/DE2003/002416



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 52008 WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002416	International filing date (day/month/year) 18 July 2003 (18.07.2003)	Priority date (day/month/year) 31 July 2002 (31.07.2002)	
International Patent Classification (IPC) or national classification and IPC F26B 13/08, 13/12			
Applicant A. MONFORTS TEXTILMASCHINEN GMBH & CO.			

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of _____ sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

BEST AVAILABLE COPY

Date of submission of the demand 11 February 2004 (11.02.2004)	Date of completion of this report 19 May 2004 (19.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002416

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 2-5 _____, as originally filed
 pages _____, filed with the demand
 pages _____ 1 _____, filed with the letter of _____ 21 April 2004 (21.04.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1, 2 _____, filed with the letter of _____ 21 April 2004 (21.04.2004)
- ☒ the drawings:
 pages _____ 1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 2	YES
	Claims		NO
Inventive step (IS)	Claims	1, 2	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations

1. Claim 1

The point of departure for the application is clearly an installation such as is known, for example, from DE-A-35 45 642 for finishing fabric prior to the manufacture of ready-to-wear clothing. Such an installation has, *inter alia*, means for the oblique stretching and drying of a denim textile web, at least one hotflue with heated circulating air for drying the textile web and with guide rolls mounted therein for the textile web, as well as means connected upstream and downstream of the hotflue for longitudinally stretching the textile web in a predetermined manner.

The subject matter of claim 1 differs from such an installation in that at least one group of at least one series of guide rolls is mounted in one direction at an oblique angle relative to the horizontal plane running through the series of guide rolls.

This plausibly solves the problem of maintaining the desired oblique stretching without the need for

BEST AVAILABLE COPY

special oblique stretching devices.

Since neither DE-A-35 45 642 nor the remaining search report citations contains such a suggestion, the present application satisfies the criteria of PCT Article 33(2) to (4), since the subject matter of claim 1 is novel and involves an inventive step. Industrial applicability is given by the intended purpose.

2. Claim 2

Claim 2 claims a method for operating the installation according to claim 1. Given the novel and inventive installation, such a use is neither known nor obvious from the available prior art, since said documents only describe methods in which standard oblique stretching devices are used.

Claim 2 therefore likewise meets the criteria of PCT Article 33(2) to (4).

3. Certain observations on the international application

- 3.1 The characterising portion refers to the series of guide rolls, but the latter is no longer defined in the preamble. The feature included in the original claim 1 that the hotflue has a series of guide rolls each mounted in the horizontal plane should therefore have been retained in claim 1. In addition, it should have been indicated that the hotflue has a lower and an upper series of guide rolls.

3.2 Contrary to PCT Rule 5.1(a)(ii), the description does not cite DE-A-35 45 642 or indicate the relevant prior art disclosed therein.

BEST AVAILABLE COPY